

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: MARCH 21, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: VAR-18210 - APPLICANT: FLETCHER JONES  
MANAGEMENT GROUP, INC. - OWNER: FLETCHER JONES, SR. TRUST**

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**\*\* CONDITIONS \*\***

The Planning Commission (4-1/bg/1/rt vote) and staff recommend DENIAL.

**Planning and Development**

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-18208), Special Use Permit (SUP-19129), and Site Development Plan Review (SDR-18206) shall be required.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

The project is a request for a Variance to allow 509 parking spaces where 783 spaces are required on 9.34 acres at 400 South Decatur Boulevard, south of Meadows Lane. The request is related to Site Development Plan Review (SDR-18206), Rezoning (ZON-18208), and Special Use Permit (SUP-19129). Construction of a 123,669 square foot expansion of an existing automobile service to an existing 31,206 square foot auto service facility is proposed. No topographical constraints exist on site which hinder the ability of project from complying with Title 19.10 therefore staff recommends denial.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
06/01/94	The City Council accepted at the request of the applicant, a Withdrawal without Prejudice a request [Z-0030-74(6)] for a Review of Condition to allow commercial access onto Brush Street on property located on the south side of Meadows Lane approximately 650 feet west of Decatur Boulevard. The Meadows School ceased operations in June 1988.
04/16/86	The City Council considered and approved the Plot Plan Review for the Meadows School expansion. The Planning Commission and staff recommended approval.
03/20/85	The City Council considered and approved the Plot Plan Review for the Meadows School Project. The Planning Commission and staff recommended approval. The Planning Commission and staff recommended approval.
05/16/84	The City Council considered and approved the Plot Plan Review (Z-30-74) to operate a private elementary school on property located approximately 600 feet west of Decatur Boulevard. The Planning Commission and staff recommended approval.
11/03/76	The Board of City Commissioners considered and approved a request for a Plot Plan Review (Z-30-74) for a body shop and paint room at 444 South Decatur Boulevard. The Planning Commission and staff recommended approval.
08/01/74	The Board of City Commissioners considered and approved a request for Reclassification of Property (Z-30-74) located south of the westerly prolongation of Michael Way. The Planning Commission and staff recommended approval.
02/22/07	<p>The Planning Commission recommended denial of companion items ZON-18208, SUP-19129 and SDR-18206 concurrently with this application.</p> <p>The Planning Commission voted 4-1/bg/1/rt to recommend DENIAL (PC Agenda Item #21/ja.</p>

<b><i>Related Building Permits/Business Licenses</i></b>	
None	
<b><i>Pre-Application Meeting</i></b>	
01/09/07	A Pre-application was held with the applicant. Planning staff advised the applicant of the requirement for a Site Development Plan Review and Development Impact Notice and Assessment (DINA) application.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required for this type of application nor was one held.	

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	9.34 acres

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Automotive	GC (General Commercial)	Split Zoned: C-2 (General Commercial) R-1 (Single Family Residential)
North	Commercial	SC (Service Commercial)	C-1 (Limited Commercial)
South	Residential	H (High Density Residential)	R-PD42 (Residential Planned Development – 42 Units Per Acre)
East	Commercial	SC (Service Commercial)	C-2 (General Commercial)
West	Residential	MLA (Medium Low Attached Residential)	R-2 (Medium Low Density Residential)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>		X	Y
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>			
A-O (Airport Overlay) District	X		Y
<b>Trails</b>		X	Y
<b>Rural Preservation Overlay District</b>		X	Y
<b>Development Impact Notification Assessment</b>	X		Y*
<b>Project of Regional Significance</b>		X	Y

\* In accordance with Ordinance No. 5227 a DINA was prepared for the project to address the potential increase in Average Daily Trips (ADT) that may result with implementation of the proposed rezone and commercial development.

## DEVELOPMENT STANDARDS

*Pursuant to Title 19.08 the following Commercial Development Standards apply:*

<b>Standard</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Min. Lot Size	NA	NA	Y
Min. Lot Width	100 lineal feet	680 lineal feet	Y
Min. Setbacks <ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Corner</li> <li>• Rear</li> </ul>	20 10 15 20	27 38 115 55	Y
Min. Distance Between Buildings	NA	NA	Y
Max. Lot Coverage	50 percent	38 percent	Y
Max. Building Height	NA	26 feet	Y
Trash Enclosure	Yes	Yes	Y
Mech. Equipment	Screened	Screened	Y

*Pursuant to Title 19.10, the following parking standards apply:*

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Auto	154,875	5 spaces plus 1 space per 200 square foot gfa	779	16	509	8	N
TOTAL (including handicap)			779	16	509	8	N
Loading Spaces			4		4		Y
Percent Deviation					36%		

## ANALYSIS

The request is to reduce the required parking for the proposed expansion of an existing automobile repair facility on a 9.34 acre parcel south of Meadows Lane.

- **General Plan and Zoning**

Development surrounding the project site includes commercial to the north and east, and residential to the west and south. The General Plan designated land use for the entire project site is GC (General Commercial) with the underlying zoning split zoned as 7.8 acres of the project site is categorized as C-2 (General Commercial) and the remainder of the 9.34 acre site zoned R-1 (Single family Residential). The C-2 (General Commercial) zone is consistent with the General Commercial land use plan designation. A request to change the R-1 (Single Family Residential) zoning to a C-2 (General Commercial) zone designation shall be considered with this request (ZON-18208).

- **Parking**

Parking requirements under Title 19.04 require Auto Paint and Body Repair uses to provide 5 parking spaces plus 1 space for every 200 square feet of gross floor area. The project site currently has 1,053 parking spaces including triple stacked parking spaces which are considered nonconforming pursuant to Title 19. The expanded facility proposes 509 parking spaces thereby eliminating 547 parking spaces from the site. Required parking is 779 spaces and as such a 36 percent deviation from code is requested. No topographical constraints prevent the proposal from being designed to meet minimum parking standards therefore staff recommends denial.

## FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial

detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship with the design of 123,699 square foot addition upon a 9.34 acre parcel. An alternative design that reduces the square footage would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 20

**ASSEMBLY DISTRICT** 3

**SENATE DISTRICT** 3

**NOTICES MAILED** 496 by City Clerk

**APPROVALS** 0

**PROTESTS** 1